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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic reports of States parties due in 1992

Addendum

TRINIDAD AND TOBAGO*

[12 July 1994]

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* The present document contains the seventh, eighth, ninth and tenth periodic reports which were due on 3 November 1986, 1988, 1990 and 1992 respectively. For the sixth periodic report of Trinidad and Tobago, and the summary records of the meeting at which the Committee considered that report, see documents CERD/C/116/Add.3 and CERD/C/SR.782.

GE.94-18523 (E)

Periodic report of the Government of the Republic of Trinidad and Tobago 1987-1993

1. In previous reports submitted by the Government of the Republic of Trinidad and Tobago, a clear indication has been given of the constitutional guarantees which exist in Trinidad and Tobago and which assure to all, irrespective of race, origin, colour, religion or sex, the Fundamental Human Rights and Freedoms enshrined in the Constitution. Earlier reports have also indicated that recourse can be had to the High Court where the applicant alleges that any of his fundamental human rights or freedoms is being or is likely to be contravened. During the reporting period in question, no cases have been brought before the High Court alleging infringement of human rights by the State on the basis of race or origin, colour, religion or sex.

2. As to the question of the constitutional clause dealing with the continuing validity of laws clause in the Constitution, it is advised that when the 1976 Constitution came into effect, the common law and statutes which commenced before independence and the changeover to republican status were existing laws. Having regard to provisions in section 5, subsections (1) and (2), of the Constitution which provide for the protection of the fundamental rights in section 4 against any abrogation, abridgement or infringement by any law, it was necessary to provide for the continuing validity of existing law. Section 6 of the Constitution cannot be regarded as being of a temporary character since it preserves the validity of the common law and statute law which existed before the Constitution came into effect and which are still applicable today.

3. Trinidad and Tobago's legislation applies to all citizens irrespective of race and while there is no legislation that discriminates against any one particular race or group in the society, special legislation does exist or is enacted from time to time to promote the activities of various sectoral interests.

4. In this respect, special legislation exists to regulate Muslim marriages and divorces (the Muslim Marriage and Divorce Act chapter 45:02 of the Laws of the Republic of Trinidad and Tobago) and Hindu marriages (the Hindu Marriage Act chapter 45:03 of the Laws of the Republic of Trinidad and Tobago). The Marriage Act chapter 45:01 provides for civil marriages as well as for marriages by licensed ministers of religion.

5. Further, the Education Act chapter 39:01 of the Laws of the Republic of Trinidad and Tobago enacted in 1966 provides expressly in section 7 that no person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent. In 1971 the original Sedition Ordinance was amended to make incitement to racial hatred a seditious intent punishable by fines and imprisonment. Although Trinidad and Tobago is not a party to the Convention on the Prevention and Punishment of the Crime of Genocide, a Genocide Convention Act has been on the statute books since 1977 (the Genocide Act chapter 11:20 of the Laws of the Republic of Trinidad and Tobago).

6. Other examples of recent special legislation enacted to promote the activities of various sectoral interest groups include the following:

The Confederation of African Associations of Trinidad and Tobago (Incorporation) Act, No. 20 of 1991;

The Edinburgh Dharmic Sabha (Incorporation) Act No. 25 of 1991;

Opa Orisha (Shango) of Trinidad and Tobago (Incorporation) Act No. 27 of 1991;

The Hindi Women's Organization of Trinidad and Tobago (Incorporation) Act No. 37 of 1991;

Hindi Nidhi - The Hindi Foundation of Trinidad and Tobago (Incorporation) Act No. 6 of 1990;

The Islamic Fada'il Services Trust of Trinidad and Tobago (Incorporation) Act No. 17 of 1990.

7. Successive Governments in Trinidad and Tobago have all enunciated policies on race relations pledging that special emphasis would be given to equality of opportunity for all, the elimination of all forms of discrimination in public life and the integration of the many racial and cultural strains which have contributed to the development of our cosmopolitan society.

8. The Centre for Ethnic Studies was established under the aegis of the Social Sciences Faculty of the University of the West Indies (St. Augustine, Trinidad Campus) in late 1992. The objective of the Centre is to study the question of race relations in a systematic way with a view to using the results of the studies as a basis for decision-making. The Centre has completed one survey on recruitment practices in the public and private sectors and public discussions on the results of this survey are scheduled to take place during the current year (1994).

9. The latest figures published by the Central Statistical Office of Trinidad and Tobago indicate that in the year 1990 the total population of the country amounted to 1,169,600 with the following breakdown according to ethnic origin and religion:

Ethnic origin		% pop.	Religion		% pop.
Indian descent	-	40.3	Roman Catholic	-	29.4
African descent	-	39.6	Hindu	-	23.8
European descent	-	0.6	Anglican	-	10.9
Chinese descent	-	0.4	Islam	-	5.8
Mixed descent	-	18.4	Presbyterian	-	3.4
Other/not stated	-	0.6	Other/not stated	-	26.7

10. Two main ethnic groups have together comprised more than 80 per cent of the population since 1960 when that of African descent was 43 per cent and that of Indian descent was some 37 per cent of the total population. In the last two intercensal decades, the proportions have shown a gradual change in the direction indicated in the statistical figures for the year 1990. Geographical dispersal of the population has always been closely linked with ethnic origin as the immigration streams were associated with work in specific sectors or industries, in particular the sugar and petroleum industries and the service sector. The pattern of distribution of the population over the years has continued to reflect these factors and has remained largely unchanged.

11. Trinidad and Tobago is not a party to the Convention relating to the Status of Refugees nor to the Protocol relating to the Status of Refugees. Admission to Trinidad and Tobago is governed by domestic legislation (the Immigration Act) which identifies the categories of persons who may be admitted to Trinidad and Tobago and those who are excluded. Considerations of race or ethnic origin do not feature in that legislation.

12. The Republic of Trinidad and Tobago is a harmonious multiracial, multireligious society where, in the words of the national anthem and in practice, "every creed and race find an equal place". There are no disadvantaged groups in the society distinguished by race or ethnic origin. The GNP income per capita of Trinidad and Tobago in 1992 was TT$ 18,287. The literacy rate of the population is near 100 per cent and educational opportunities are available to all children in the society irrespective of race, ethnic origin or religion. It should moreover be noted in this connection that out of a total of some 476 primary schools (ages 5-12), 135 are government schools and the rest, the overwhelming majority, are denominational i.e. Roman Catholic (121), Presbyterian (72), Anglican (59), Hindu (53), Muslim (15) and other denominations (21).

13. The Constitution of the Republic of Trinidad and Tobago recognizes and declares that in Trinidad and Tobago there have existed and shall continue to exist the fundamental human rights and freedoms listed therein without discrimination by reason of race, origin, colour, religion or sex. Moreover, the Constitution provides the individual with judicial protection against infringement of his fundamental rights and freedoms by the State. Legislation inconsistent with these rights can only be passed by qualified majorities in Parliament and even so can be challenged in the courts: section 14 of the Constitution.

14. Previous reports have indicated that the Carib population does not exist as a separate racial group of statistical significance. Persons who consider themselves to be Carib or of Carib ancestry are part and parcel of the society. Cultural recognition of the Carib in the society is reflected by the annual celebration of the religion's festival of Santa Rosa, during which a Carib queen is crowned and a procession takes place through the streets of the Borough of Arima.

15. There are no pure Amerindians left in Trinidad and Tobago. But the stigma of being Amerindian during colonial times has been transformed into a patriotic need to establish the existence of a race that is quickly approaching extinction.

16. In Trinidad, especially in the Borough of Arima, there is the desire to recognize the contributions the Amerindian civilization has made towards the development of the island. For example, in Arima a statue of the Amerindian chieftain, Hyarima, has been erected at the western entrance of the borough.

17. Trinidad and Tobago continues to be an active member of the United Nations Special Committee against Apartheid holding the position of Vice-Chairman, and has consistently supported all resolutions adopted by the General Assembly on the agenda item dealing with the policies of apartheid of the Government of South Africa. Trinidad and Tobago is also a party both to the International Convention on the Suppression and Punishment of the Crime of Apartheid and to the International Convention against Apartheid in Sports.

18. In 1992 the Government of the Republic of Trinidad and Tobago modified its existing visa restrictions to permit entry into the country by nationals of the Republic of South Africa for purposes of sporting contacts, tourism or scientific and cultural activities. This policy change took into account the decision of the Commonwealth heads of Government at their meeting in Harare in October 1991 that people-to-people sanctions, namely consular and visa restrictions, culture and scientific boycotts, restrictions on tourism promotion and the ban on direct airlinks, should be lifted immediately in view of the progress made in overcoming obstacles to negotiation.

19. As a result of the foregoing a South African cricket team toured the West Indies in 1992 and played matches in Trinidad and Tobago. More recently, in February 1993 a West Indies cricket team including several Trinidad and Tobago nationals engaged in a three-country cricket series in South Africa with the other participating country being Pakistan.

20. The Government of Trinidad and Tobago did give notice, however, that economic trade, investment, military and financial sanctions remain in place pending agreement on a new fully democratic constitution which takes into account the demographic realities of South Africa.

21. On 15 February 1993, Trinidad and Tobago's Foreign Minister, the Honourable Ralph Maraj, reiterated Trinidad and Tobago's stand against the atrocities being perpetrated against the Muslim minority in the former Yugoslavia. Referring particularly to the "ethnic cleansing" operations Minister Maraj said:

> "It is clear to me that in order for peace to exist in certain parts of the world, there must be acceptance of the reality of a multi-cultural, multi-ethnic environment, which is fast becoming a global norm ... we have gone further and contributed to denying a seat at the current General Assembly of the United Nations to those who have been guilty of the horror of 'ethnic cleansing'. Also, Trinidad and Tobago has strongly supported resolutions at the United Nations for concerted

international efforts to bring about peace in the area and halt the aggression against the Muslim population of Bosnia and Herzegovina."

22. The Minister of Foreign Affairs issued the following message on the occasion of the International Day for the Elimination of Racial Discrimination on 22 March 1993:

"Today, Trinidad and Tobago joins the international community in observing the International Day for the Elimination of Racial Discrimination. In large part this observation is a commemoration of those tragic events at Sharpeville 33 years ago and the epic struggle against apartheid which has been waged by so many within and outside South Africa.

"The Government of Trinidad and Tobago, and the world at large, remain hopeful that the impending multi-party constitutional negotiations will mark the final stage of what has been a long, arduous and painful journey towards a united, non-racial and democratic South Africa.

"Even as the situation in South Africa appears to be heading for an acceptable resolution, other instances of racial discrimination are imposing themselves upon our consciousness. The savage events in the former Yugoslavia, as well as outbreaks of racially inspired conflict in various flashpoints across the globe serve to remind us that we must remain ever vigilant to identify and combat such discrimination wherever it occurs.

"The Government of Trinidad and Tobago takes this opportunity to reaffirm its commitment to the eradication of racial and ethnic intolerance, bigotry, hatred and xenophobia and pledges to play its part at the national, regional and international levels in the pursuit of the elimination of these potent threats to international peace and security. In that vein the Government of Trinidad and Tobago also urges the United Nations to accord highest priority to all programmes intended to combat racial and other forms of discrimination."

23. The Sedition Act provides in section 4 (1) that a person is guilty of an offence who does or attempts to do or makes any preparation to do, or conspires with any person to do, any act with a seditious intention, communicates any statement having a seditious intention, publishes, sells, offers for sale or distributes any seditious publication or with a view to its being published prints, writes, composes, makes, reproduces imports or has in his possession, custody, power or control any seditious publication i.e. every publication having a seditious intention.

24. A seditious intention is defined in Section 3 (1) of the Act as an intention:

"...

"(c) to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago;

"(d) to engender or promote:

(i) feelings of ill-will or hostility between one or more sections of the community and any other section or sections of the community on the other hand; or

(ii) feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment; or

"(e) to advocate or promote, with intent to destroy in whole or in part any identifiable group (which is defined to mean any section of the public distinguished by colour, race, religion or ethnic origin or profession, calling or employment), the commission of any of the following acts namely:

(i) killing members of the group; or

(ii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction."

25. A person can be tried summarily by a magistrate and upon conviction fined TT$ 3,000 and imprisoned for two years or tried on indictment by a judge and jury (selected in the normal way) and if convicted fined TT$ 20,000 and imprisoned for five years.

26. The offence encompasses not only the act and attempts to commit the offence but conspiracy as well and accordingly satisfies Trinidad and Tobago's obligations under article 4 (a) and (b) of the Convention to prohibit by law incitement to racial hatred by individuals or organizations. This amendment of the colonial legislation in 1971 was intended to banish from the face of society any trace or vestige of racial hatred in Trinidad and Tobago.

27. Trinidad and Tobago continues therefore to hold the view that the amendment to the Sedition Ordinance introduced in 1971 is adequate for the purpose of implementing broadly its obligations under the article. No prosecutions have been brought under this legislation in the last 22 years.

28. The different ethnic and religious groups that make up the mosaic that is Trinidad and Tobago pursue their various interests without any thought being given to the preaching of racial hatred or religious intolerance and are capable of protecting their vital interests. Where matters arise which may be considered by one ethnic group as offensive, these are publicly ventilated in the media and strong public opinion is brought to bear thereon.

29. On the matter of the exercise of political rights, elections have been held on a regular basis in 1961, 1966, 1971, 1976, 1981, 1986 and 1991 in which persons of all races are eligible to vote, have stood as candidates for election to the 36-member House of Representatives and have been elected. Consequent upon the outcome of the 1991 general elections both the House of

Representatives and the Senate as well as the political parties continue to reflect the several racial or ethnic groups that make up the population of Trinidad and Tobago.

30. With respect to the enjoyment of cultural rights, cultural diversity has received the full encouragement of all Governments since independence with the result that the country now enjoys a wide range of holidays, festivals, celebrations, institutions and events fully reflective of this diversity.

31. With respect to the enjoyment of economic rights in Trinidad and Tobago, the private business sector is characterized primarily by medium to large companies historically dominated by persons of European (Caucasian) descent, of Middle Eastern (Syrian-Lebanese) descent and, within the last 50 years, by persons of Indian descent. Persons of Indian descent also predominate in agriculture while persons of African descent have generally gravitated towards the public sector, the security services, other services, trades and crafts, the professions and micro enterprises. Persons of Chinese descent have tended to engage in small shopkeeping and the distributive trades.

32. All persons are fully protected against discrimination under the provisions of the Constitution and through an independent judiciary to which recourse can be had if an individual believes that his fundamental human rights and freedoms have been or are likely to be contravened in relation to him. Damages can be awarded under the enforcement provisions of the Constitution.

33. No constitutional motions have ever been filed against the State alleging infringement of human rights provisions on the basis of race or origin, notwithstanding the existence of a highly articulate legal profession which can count on members drawn from all ethnic groups in the society.

34. Social studies textbooks utilized at the primary school level continue to educate citizens of Trinidad and Tobago about their diverse racial, religious and cultural society. The student body of all government and government-assisted schools reflect the cosmopolitan nature of Trinidad and Tobago society. Some denominational schools have reflected a preponderance of a particular denomination. One of the studies being done by the recently established Centre for Ethnic Studies will address the issue of school placement consequent upon the results of the Eleven Plus Common Entrance Examination.

35. In the field of culture, major national cultural presentations sponsored by the Government almost invariably include presentations representative of the various cultural strands that make Trinidad and Tobago a cultural melting pot. Films in Hindi with English subtitles are also regularly shown on national television, and radio stations have in recent times become much more sensitive to the need to give fuller representation to the cultural diversity of the country.

Conclusion

36. The people of Trinidad and Tobago remain proud of their cultural, ethnic and religious diversity and their ability to live together in harmony, and there has been over the years no sectarian violence in Trinidad and Tobago.

37. In Trinidad and Tobago there is no oppression of nor is there repression of any religious or ethnic group. The conclusion by the Trinidad and Tobago newspaper Express in its editorial opinion of 15 March 1993 entitled "Side by Side We Stand" (words of the national anthem) is noteworthy:

> "What a place of possibilities Trinidad and Tobago is! The collapse of communism has intensified debate over the ethnic question not only in the former Yugoslavia where answers are being found in bloody violence but in countries as historically different as the United States of America in the New World and Germany in the Old. It is as if all the chickens of history - imperialism, colonialism, slavery and the resulting diaspora - have come to roost at the same time, leaving the world with the problem of how to accommodate so many cultural strains within the same national borders. We, who have had such long practice, should be able to supply some of the needed answers."